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LETTER DATED 16 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the texts of:

1. President Isaias Afwerki's speech (see annex I) delivered when the Assembly of Heads of State and Government of the Organization of African Unity (OAU), meeting at Algiers on 14 July 1999, endorsed the Modalities for the Implementation of the Framework Agreement proposed by the OAU High-Level Delegation on the Dispute between Ethiopia and Eritrea;

2. Letter dated 14 July 1999 from President Isaias Afwerki to President Abdelaziz Bouteflika, the Current Chairman of OAU (see annex II), formally accepting the Modalities proposed by the OAU High-Level Delegation and endorsed by the OAU Algiers Summit on 14 July 1999;

3. The Modalities for the Implementation of the OAU Framework Agreement (see annex III).

I should be grateful if you would kindly circulate the present letter and its annexes as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

99-21007 (E) 190799

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Annex I

Speech delivered by the President of Eritrea on 14 July 1999

It is Eritrea's understanding of the Framework Agreement and the Modalities presented to us that:

1. The principle of non-acquisition of force applies equally to both sides and to all territories seized since the conflict started;

2. Redeployment and interim arrangements do not prejudge the status of the territories concerned;

3. Undoing the damage done by the conflict does not only require redeployment, but more importantly addressing the humanitarian dimensions of the conflict. In this regard, it is imperative to fully compensate the deportees, if not for the irreparable harm done to them, at least for expropriated property;

4. Demarcation will be carried out expeditiously in order to bring the dispute to a quick end.

On the basis of this understanding, and in the interests of peace, which we owe not only to the people of Eritrea, but, may I add, also to the people of Ethiopia, and our continent as a whole, and as a mark of goodwill to OAU, Eritrea has decided to accept the "Modalities for the Implementation of the Framework Agreement" presented to us by the High-Level Delegation. In accepting the Framework and its Modalities, Eritrea hopes to make its small contribution to the realization of the lofty objective proposed by the newly elected President of Africa's giant, Nigeria, General Obasanjo - and I believe endorsed by this Summit - to make the year 2000 "The Year of Peace and Security" in Africa.

Eritrea knows the bitterness of war and also the taste of the fruits of peace. It has absolutely no interest, and sees no advantages, in war. Our Ethiopian neighbours may pride themselves on the size of their country and population. But the experience of Algeria, which inspired us when we were launching our own liberation struggles, as indeed the whole lesson of the decolonization of our continent, including Eritrea's own liberation, point eloquently to the pitfalls of that thinking. More importantly, here in Africa, leave alone the poorer amongst us, the riches in our midst, can ill-afford war.

So let's endeavour to put this sad chapter behind us and work for peace. This will be no easy task. There will be problems and pitfalls along the way. But with determination and the support of Africa and the world at large, there is no reason we cannot succeed. Let me assure your excellencies that Eritrea will work indefatigably for peace.

Annex II

Letter dated 14 July 1999 from the President of Eritrea addressed to the President of Algeria, Current Chairman of the Organization of African Unity

We have carefully considered the Modalities for the Implementation of the Framework Agreement, which have been presented to us by the OAU High-Level Delegation. Let me share with you our key observations.

In regard to the key principle of non-acquisition of territory by force, Eritrea believes that this principle should apply to any and all territories occupied by either side since the conflict between the two countries started. Eritrea has presented evidence to OAU that the conflict started at the very least in July 1997 and on that basis the OAU Framework called for an investigation into the events between July 1997 and May 1998. Eritrea believes that the principle of non-acquisition of territory by force, if it is really being regarded as a principle and not an expediency, should also apply to those areas that changed hands between July 1997 and May 1998, thus triggering the conflict. Eritrea would also like to stress that there are areas in Eritrea that Ethiopia occupied after May 1998 and before February 1999. Eritrea had indeed provided this information to the OAU High-Level Delegation as early as June 1998. Obviously the principle should also apply to these territories.

Apart from these issues of principle, Eritrea believes there is an oversight of language in operative paragraphs 1 and 2. In the interests of consistency, the wording of operative paragraph 1 needs to be brought in line with operative paragraph 2 and read: "The Eritrean Government commits itself to redeploy its forces from positions taken after 6 May 1998". This will then be consonant with operative paragraph 2, which reads: "The Ethiopian Government commits itself to redeploy, thereafter, its forces from positions taken after 6 February 1999".

Based on the Framework Agreement and the Modalities presented to us, Eritrea understands that:

1. The principle of non-acquisition of territory by force applies equally to both sides and to all territories seized since the conflict started;

2. Redeployment and interim arrangements do not prejudge the status of the territories concerned;

3. Undoing the damage done by the conflict does not only require redeployment, but more importantly addressing the humanitarian dimensions of the conflict. In this regard, it is imperative to fully compensate the deportees, if not for the irreparable harm done to them, at least for expropriated property; and

4. Demarcation will be carried out expeditiously in order to bring the dispute to a quick end.

On the basis of this understanding and in the interests of peace, Eritrea has decided to accept the "Modalities for the Implementation of the Framework Agreement" presented to us by the High-Level Delegation.

(Signed) Isaias AFWERKI
President of the State of Eritrea

Annex III

Modalities for the Implementation of the OAU Framework Agreement on the Settlement of the Dispute between Ethiopia and Eritrea

The two parties reaffirm their commitment to the principle of the non-use of force to settle disputes.

The two parties reaffirm their acceptance of the Framework Agreement and commit themselves to implement it in good faith.

There shall be a return to positions held prior to 6 May 1998.

On the basis of these principles, the two parties agree on the following modalities for the implementation of the Framework Agreement:

1. The Eritrean Government commits itself to redeploy its forces outside the territories they occupied after 6 May 1998.

2. The Ethiopian Government commits itself to redeploy, thereafter, its forces from positions taken after 6 February 1999 and which were not under Ethiopian administration before 6 May 1998.

3. The two parties agree to put an end to all military activities and all forms of expression likely to sustain and exacerbate the climate of hostility and thus compromise the implementation of the Framework Agreement.

4. The redeployment of troops shall commence immediately after the cessation of hostilities. This redeployment shall not, in any way, prejudice the final status of the territories concerned, it being understood that this status will be determined at the end of the border delimitation and demarcation.

5. The modalities for the re-establishment of the civilian administration and population in the concerned territories shall be worked out after the cessation of hostilities.

6. The two parties accept the deployment of military observers by OAU in cooperation with the United Nations. The Group of Military Observers will supervise the redeployment of troops as stipulated in the present modalities and carry out all other duties that are entrusted to it, in conformity with the relevant provisions of the Framework Agreement.

7. The two parties commit themselves to sign a formal ceasefire agreement which provides for the detailed modalities for the implementation of the Framework Agreement.